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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,722	10/27/2001	Shigeki Kamiya	450100-03253.1	6409

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EXAMINER	
HENNING, MATTHEW T	
ART UNIT	**PAPER NUMBER**
2131	

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/032,722	KAMIYA ET AL.	
	Examiner	Art Unit	
	Matthew T. Henning	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 October 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 October 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *5/19/2003*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

This action is in response to the communication filed on 10/27/2001.

DETAILED ACTION

1. Claims 1-25 have been examined.

Title

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. Therefore, the title should at least mention key distribution and encryption.

Priority

3. This application claims priority to provisional application 60/278,304, filed on 3/23/2001, Japan application 2001-076917, filed 3/16/2001, and Japan application 2000-403471, filed 12/28/2000.

4. Therefore, the effective filing date for the subject matter defined in the pending claims in this application is 12/28/2000.

Information Disclosure Statement

5. The information disclosure statement(s) (IDS) submitted on 5/19/2003 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statements.

Drawings

6. The drawings filed on 10/27/2001 are acceptable for examination proceedings.

Specification

7. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed

150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

8. The abstract of the disclosure is objected to because:

Line 1 recites the limitation "A data deliver...resistant to misappropriation of data" which refers to the purported merits of the invention and therefore must be removed.

The abstract is objected to for failing to comply with the length guidelines as it is not long enough.

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> *(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*

10. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosner et al. (US Patent Number 6,636,968) hereinafter referred to as Rosner, and further in view of Schneier ("Applied Cryptography").

11. Regarding claim 1, Rosner disclosed a digital data delivery method for use in delivering digital data from all upstream system to a downstream system, said upstream system providing

multipoint delivery of encrypted digital data to specific destinations, and said downstream system decrypting the delivered digital data (See Rosner Fig. 2 and Col. 4 Paragraph 3), said method comprising the steps of: encrypting digital data by said upstream system using an encryption key (See Rosner Col. 3 Lines 42-45); generating a plurality of pieces of key information on the basis of said encryption key, respective pieces of said key information being specific to each of said specific destinations (See Rosner Col. 3 Lines 48-57); delivering said respective pieces of key information to each of said specific destinations (See Rosner Col. 3 Line 57 – Col. 4 Line 7); delivering the encrypted digital data (See Rosner Col. 3 Lines 8-10); restoring said encryption key by said downstream system using said respective pieces of key information (See Rosner Col. 4 Lines 8-12); and using the restored encryption key to decrypt the encrypted digital data (See Rosner Col. 4 Lines 12-17), but Rosner failed to disclose that the key information was delivered over a plurality of delivery routes which differ from routes for delivering said digital data and which are further different from each other.

Schneier teaches that key information should be delivered over a different communication channel than the data encrypted using the key information (See Schneier Col. Page 176 Lines 34-37). Schneier further teaches that keys should be split and each part should be delivered over a separate channel (See Schneier Page 177 Paragraph 1).

It would have been obvious to the ordinary person skilled in the art at the time of invention to employ the teachings of Schneier in the partial key delivery system of Rosner by delivering the partial keys and group key used to reconstruct the decryption key over different channels and further over a different channel than the encrypted content. This would have been obvious because the ordinary person skilled in the art would have been motivated to protect the

key from being illicitly reconstructed as well as to protect the encrypted content from being illicitly decrypted.

12. Claim 2 is rejected for the same reasons as claim 1 above and further because the passkeys of claim 2 are equivalent to the pieces of key information of claim 1 above.

13. Regarding claim 3, the combination of Rosner and Schneier disclosed a digital data delivery method for use in delivering digital data from an upstream system to a downstream system, said upstream system providing multipoint delivery of encrypted digital data to specific destinations, and said downstream system decrypting the delivered digital data (See Rosner Fig. 2 and Col. 4 Paragraph 3), said method comprising the steps of: encrypting digital data by said upstream system using an encryption key (See Rosner Col. 3 Lines 42-45); generating on the basis of said encryption key, a set of passkeys specific to each of said specific destinations (See Rosner Col. 3 Lines 48-57, specifically Fig. 2 Element 212a and the sets of Ys, (Y2*Y3*Y4) etc.); generating a plurality of partial keys based on a portion of the passkeys in said set or a portion of passkey information from which said passkeys may be reproduced (See Rosner Col. 3 Lines 48-57 especially elements 225-227); delivering either said plurality of partial keys or partial key information, from which said partial keys may be reproduced (See Rosner Col. 3 Lines 57-60), and delivering the remaining passkeys not used to generate said partial keys or the remaining passkey information (See Rosner Fig. 2 which clearly depicts element 212a being transmitted from the source to the destination devices and Fig. 4 further confirms this), to each of said specific destinations over a plurality of delivery routes which differ from routes for delivering said digital data and which are further different from each other (See the rejection of claim 1 above); delivering the encrypted digital data (See Rosner Col. 3 Lines 8-10); restoring

said encryption key by using said downstream system using either said plurality of partial keys or said partial key information and using either said remaining passkeys or said remaining passkey information delivered over said plurality of delivery routes (See Rosner Col. 4 Lines 8-12); and using the restored encryption key to decrypt the encrypted digital data (See Rosner Col. 4 Lines 12-17).

14. Regarding claim 4, the combination of Rosner and Schneier disclosed a digital data delivery method for use in delivering digital data from an upstream system to a downstream system, said upstream system providing multipoint delivery of encrypted digital data to specific destinations, and said downstream system decrypting the delivered digital data (See Rosner Fig. 2 and Col. 4 Paragraph 3), said method comprising the steps of: encrypting digital data by said upstream system using a first encryption key (See Rosner Col. 3 Lines 42-45); generating second encryption keys specific to respective destinations and/or to said digital data (See Rosner Col. 3 Lines 48-57, specifically Fig. 2 Element 212a and Fig. 3 sets of Ys, (Y2*Y3*Y4) etc.); using said second encryption key to encrypt either said first encryption key or first encryption key information from which said first encryption key may be reproduced (See Rosner Col. 4 Lines 55-65 and Fig. 3 Elements X1-X4) ; delivering either said encrypted first encryption key or said encrypted first encryption key information (See Rosner Col. 3 Lines 57-60) and delivering either said second encryption key or second encryption key information from which said second encryption key may be reproduced (See Rosner Fig. 2 which clearly depicts element 212a being transmitted from the source to the destination devices and Fig. 4 further confirms this), to respective destinations over a plurality of delivery routes which differ from routes for delivering said digital data and which are further different from each other (See the rejection of claim 1

above); delivering the encrypted digital data (See Rosner Col. 3 Lines 8-10); restoring said first encryption key by said downstream system using the delivered second encryption key or second encryption key information to decrypt either the delivered encrypted first encryption key or the delivered encrypted first encryption key information (See Rosner Col. 4 Lines 8-12); and using the restored first encryption key to decrypt the encrypted digital data (See Rosner Col. 4 Lines 12-17).

15. Regarding claim 5, the combination of Rosner and Schneier disclosed a digital data delivery method for use in delivering digital data from an upstream system to a downstream system, said upstream system providing multipoint delivery of encrypted digital data to specific destinations, and said downstream system decrypting the delivered digital data (See Rosner Fig. 2 and Col. 4 Paragraph 3), said method comprising the steps of: encrypting digital data by said upstream system using a first encryption key (See Rosner Col. 3 Lines 42-45); generating a second encryption key specific to each of said specific destinations and/or to said digital data (See Rosner Col. 6 Lines 23-25); using said second encryption key to encrypt either said first encryption key or first encryption key information from which said first encryption key may be reproduced (See Rosner Col. 4 Lines 55-59 Element 212a and Fig. 3 Element 'X'); generating, on the basis of said second encryption key, a set of passkeys (See Rosner Col. 4 Lines 55-59 Elements 225-228); delivering either said encrypted first encryption key or said encrypted first encryption key information and delivering either said set of passkeys or passkey information, from which said set of passkeys may be reproduced (See Rosner Col. 3 Lines 57-67), to each of said specific destinations over a plurality of delivery routes which differ from routes for delivering said digital data and which are further different from each other (See the rejection of

claim 1 above); delivering the encrypted digital data (See Rosner Col. 3 Lines 8-10); restoring said second encryption key by using either said set of passkeys or said passkey information delivered over said plurality of delivery routes so as to decrypt either said first encryption key or said first encryption key information and thereby restore said first encryption key (See Rosner Col. 4 Lines 8-12); and decrypting the encrypted digital data by use of the restored first encryption key (See Rosner Col. 4 Lines 12-17).

16. Claims 6, 11, and 16 are rejected for the same reasons as claim 1 above and further because Rosner disclosed the upstream system (See Rosner Fig. 2 Element 210).

17. Claims 7, 12, and 17, are rejected for the same reasons as claim 2 above and further because Rosner disclosed the upstream system (See Rosner Fig. 2 Element 210).

18. Claims 8, 13, and 18, are rejected for the same reasons as claim 3 above and further because Rosner disclosed the upstream system (See Rosner Fig. 2 Element 210).

19. Claims 9, 14, and 19, are rejected for the same reasons as claim 4 above and further because Rosner disclosed the upstream system (See Rosner Fig. 2 Element 210).

20. Claims 10, 15, and 20, are rejected for the same reasons as claim 5 above and further because Rosner disclosed the upstream system (See Rosner Fig. 2 Element 210).

21. Claims 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Rosner and Schneier as applied to claims 1-5 above, and further in view of Schneier.

22. The combination of Rosner and Schneier disclosed a system and method for communicating encrypted data using key reconstruction at the receiver (See the rejections of claims 1-5 above), but failed to disclose software for implementing the method.

Schneier teaches that any encryption algorithm can be implemented in software (See Schneier Page 225 Lines 25-38).

It would have been obvious to the ordinary person skilled in the art at the time of invention to employ the teachings of Schneier in the encryption system of Rosner and Schneier by providing software to implement the encryption method. This would have been obvious because the ordinary person skilled in the art would have been motivated to provide flexibility and portability, ease of use, and ease of upgrade to the encryption system.

Conclusion

23. Claims 1-25 have been rejected.

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Mizikovsky (US Patent Number 5,748,734) disclosed a system for distributing keys involving splitting key generation information and sending each split over a different communication channel to a client, and the client recovering the key using the received parts.

b. Graunke et al. (US Patent Number 5,991,399) disclosed a system for delivering multiple keys specific to a client and recovering an encryption key at the client in order to decrypt content.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew T. Henning whose telephone number is (571) 272-3790. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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